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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/813,606  | 03/31/2004  | Robert Joseph Angen  | 64367.000002                | 4352             |
| 21967   | 7590        | 12/01/2005           |                             |                  |
| HUNTON & WILLIAMS LLP<br>INTELLECTUAL PROPERTY DEPARTMENT<br>1900 K STREET, N.W.<br>SUITE 1200<br>WASHINGTON, DC 20006-1109 |             |                      | EXAMINER<br>NEWTON, JARED W |                  |
|   |             |                      | ART UNIT<br>3634            | PAPER NUMBER     |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/813,606 | <b>Applicant(s)</b><br>ANGEN ET AL. |  |
|                              | <b>Examiner</b><br>Jared W. Newton   | <b>Art Unit</b><br>3634             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

- Line 7 of page 6 should recite, "...that other mechanisms may..."
- Line 19 of page 6 should recite, "Fig. 10 depicts ~~illustrates~~ one..."

Appropriate correction is required.

### ***Claim Objections***

It is noted at the outset that the applicant's limitations regarding a display object and its associated elements in claims the claims are considered to be met by the references set forth below since the structures of the references are capable of allowing a display object to be stored. It is noted that the claim(s) do not positively require a display object, but are directed to the present system's intended use to support a display object. Hence, since the references below could inherently support a display object, they are considered to meet the functional limitations of the claim(s).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 10 are rejected under the second paragraph of 35 U.S.C. 112 as indefinitely claiming the subject matter that the applicant regards as his invention. In

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particular, the recitation, "...the display object *may* be rotated about an axis..." renders the claims indefinite, because one would not know whether or not the display object is definitely rotably and removably mounted to the shelf assembly.

Claims 5, 6, 7, 14, 15, and 16 are rejected under the second paragraph of 35 U.S.C. 112 as indefinitely claiming the subject matter that the applicant regards as his invention.

*In regard to the claims*, the following positive recitations render the claims indefinite:

- "...wherein the display object comprises a model car" on line 1 of claims 5 and 14;
- "...wherein the display object comprises a packaging attachment mechanism..." on lines 1-2 of claims 6 and 15;
- and, "...first side being secured to the display object..." on line 2 of claims 7 and 16.

In particular, applicant functionally sets forth the display object in line 6 of claim 1 through the recitation "...for removably and rotatably mounting a display object to a first side..." and then applicant improperly seeks to link the functionally recited structure of the display object to the positive structure of the display system. Thus, the metes and bounds of the claims referring to said display system cannot be properly ascertained since one would not know whether a display object is being positively claimed. It appears that it is applicant's intention to not positively claim the display object as part of the display assembly, and thus the claims have been treated accordingly.

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Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of the claim does not clearly point out and define subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Inasmuch as the claims are understood in light of the above objections and 112 rejections*, Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 606,889 to Gregory.

In regard to claim 1, Gregory discloses a bracketed support shelf comprising an upper surface M and a lower surface disposed oppositely from said upper surface (see FIG. 1). Gregory further discloses a wall mounting assembly A and E for removably mounting the shelf assembly to a wall; and a mounting bracket or disk assembly N for rotatably and removably mounting an object such that said object may be rotated on said disk via rotatable fastener O, and said object may be secured to and removed from said disk via mounting holes P (see FIGS. 1 and 2). The support as disclosed by Gregory further enables a person to view at least a majority of an object secured to said disk N from the second (bottom) side of said support.

In regard to claim 6, Gregory discloses mounting screw holes P capable of receiving a packaging attachment mechanism to secure an object to the bracket or disk N, said disk being removably and rotably attached to said shelf assembly via fastener O (see FIG. 1). It is noted that the packaging attachment mechanism according to the disclosure of the present application comprises "...bolts, screws, and the like..." (Page 5, Line 14). Because the Gregory reference provides screw holes adaptable to receive a packaging mechanism such as screws, the reference meets the limitations of the claim.

In regard to claim 7, Gregory further discloses the bracket or disk N as having one side connectable to an object, and an opposite side removably connected to the shelf assembly (see FIG. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 10, 12, 15, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory as applied to claim 1 above, and further in view of U.S. Patent No. Des. 305,190 to Winter et al.

In regard to claims 2, 10, 15, and 16, Gregory discloses a shelf structure comprising all of the limitations of claim 1, but does not disclose said assembly being

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transparent. Winter discloses a display shelf comprising a transparent shelf assembly and transparent wall mounting assemblies (see FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the shelf structure as disclosed by Gregory of a transparent material as disclosed by Winter. The motivation for using a transparent material would be to focus visual attention on the object supported by said shelf. It is well known and obvious in the art of display shelves to construct the shelves of a transparent material so that attention is focused on the object displayed as opposed to the shelf itself. Such displays are shown in U.S. Patent Nos. D476,841 and D476,840 to Hoernig

In regard to claims 3 and 12, Gregory does not disclose said shelf assembly disposed at an acute angle relative to the vertical mounting surface. Winter discloses said display shelf as being disposed at an acute angle relative to a wall (see FIG. 3).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to dispose the shelf structure as disclosed by Gregory at an acute angle relative to its mounting surface. The motivation for orienting said shelf at an acute angle would be to bias the object displayed towards the mounting surface, so that if said object became detached from said shelf structure, it would fall backwardly against the wall as opposed to forwardly off the shelf.

Claims 8, 9, 17, and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory in view of '190 to Winter as applied to claims 2, 3, 10, 12, 15, and 16 above, and further in view of U.S. Patent No. 5,165,539 to Peters.

Gregory in view of Winter discloses a shelf structure comprising all of the limitations of claims 7 and 16, but does not disclose said mounting disk or bracket to Gregory as being transparent, or enabling a viewer to see a portion of the display object through said bracket. Peters discloses a display device comprising an object supporting portion 30 comprised of transparent material (see Column 2, Line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the support portion or disk as disclosed by Gregory of a transparent material as disclosed by Peters, so that an object on said disk is viewable from all angles. The motivation for providing a transparent support portion would be to focus visual attention on the object supported by said support disk. It is well known and obvious in the art of display assemblies to construct the support portions of a transparent material so that attention is focused on the object displayed as opposed to the support portion itself.

Claims 4 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory in view of '190 to Winter as applied to claims 2, 3, 10, 12, 15, and 16 above, and further in view of U.S. Patent No. 6,467,745 to Sickels.

Gregory in view of Winter discloses a shelf structure comprising all of the limitations of claims 1 and 10, but does not disclose said shelf as being disposed in a parallel relationship to a vertical surface. Sickels discloses a mounting bracket assembly for adjustably mounting an object to a support surface, such as a wall (see FIG. 1). Sickels further discloses the main support surface 24 disposed in a parallel relationship to said wall 14 (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wall mount assembly as disclosed by Sickels



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to mount the shelf assembly as disclosed by Gregory, so that the shelf assembly is disposed in a parallel relationship to the wall. The motivation for including the wall mount assembly as disclosed by Sickels would be to allow the shelf as disclosed by Gregory to support long objects that would come into contact with the wall surface when the shelf is disposed perpendicularly to said wall. Orienting the shelf parallel to the wall is an obvious solution to the problem of supporting objects of any size or length.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

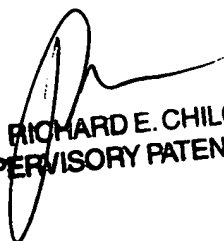
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JWN  
November 21, 2005

A handwritten signature in cursive script, appearing to read 'JWN', written in black ink.A handwritten signature in cursive script, appearing to read 'Richard E. Chilcot, Jr.', written in black ink.

**RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER**